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Europäisches  
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BAKER BOTTS L.L.P.

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New York, NY 10112-0228

FROM: FOREIGN MAIL DESK  
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BAKER BOTTS L.L.P.  
NEW YORK

ETATS-UNIS D'AMERIQUE

Date/Date

25/05/00

Zeichen/Ref./Réf.

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

99971950.3- -PCT/US9926127

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF

NOTE: The following information concerns the steps which you are required to take for entry into the regional phase before the EPO. You are strongly advised to read it carefully. Failure to take the appropriate steps in due time could lead to the application being deemed withdrawn.

1. European patent application no. 99971950.3 has been allotted to the above-mentioned international patent application.
2. Applicants having neither a residence nor their principal place of business within the territory of one of the EPC Contracting States may initiate the regional (European) processing of the international application themselves, provided they do so before expiry of the 21st or 31st month as from the priority date (see Legal Advice of the EPO no. 18/92 published in OJ EPO 1992, 58).

Note, however, that such applicants must be represented in the regional phase before the EPO as designated or elected Office by a professional representative whose name appears on the EPO list of representatives (Arts. 133(2) and 134(1) EPC).

After expiry of the 21st or 31st month, any procedural steps which are taken by the representative of the applicant in the international phase, who is not, however, entitled to practise before the EPO, will have no effect and will, thus, result in loss of rights.

The appointment of a professional representative entitled to practise before the EPO is possible/advisable at an early stage during the international phase (any time after the 14th month from the priority date) in view of representing applicants before the EPO as designated or elected Office.

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Therefore, an appointment in due time is strongly recommended, if it is intended that this representative should already act for entry into the regional phase, otherwise all communications will be forwarded from the EPO directly to the applicant.

3. Applicants having their address within the territory of one of the EPC Contracting States are not obliged to appoint a professional representative entitled to practise before the EPO to represent them in the regional phase where the EPO is designated or elected Office.

Note that due to the complexity of the proceedings, applicants are strongly advised to appoint such representative. Please keep in mind that, if a professional representative before the EPO has already acted for the applicant during the international phase, this representative is not automatically regarded as the representative for the regional phase.

4. Applicants and professional representatives are recommended to file EPO Form 1200 (available free of charge from the EPO) for entry into the regional phase. The use of Form 1200, however, is not mandatory.
5. FOR ENTRY INTO THE REGIONAL PHASE BEFORE THE EPO the following procedural steps must be taken. (Note that non-completion or ineffective completion of the required steps will result in loss of rights or other disadvantage.)

- 5.1 Within 21 months from the date of filing or (where applicable) from the earliest priority date if the EPO acts as DESIGNATED OFFICE pursuant to Article 22(1) PCT:

- a) Filing of a translation of the international application in an EPO official language if the International Bureau did not publish the application in one of those languages (Art. 22(1) PCT and Rule 104b(1)(a) EPC).

Note that if such translation is not filed in due time, the international application before the EPO is deemed withdrawn (Art. 24(1)(iii) PCT).

- b) Payment of the national fee [national basic fee, the designation fee for each State designated, (where applicable) the claims fees for the eleventh and each subsequent claim] and the search fee, where a supplementary European search report has to be drawn up (Rule 104b(1)(b), (c) EPC).

Upon expiry of the 21-month time limit provided for in Rule 104b(1) EPC the EPO sends the applicant or his appointed professional representative the communication pursuant to Rule 85a(1) EPC (Form 1217) and (where applicable) Rule 69(1) EPC (Form 1205)



unless it has been notified of its designation as elected Office in due time.

5.2 Within 31 months from the date of filing or (where applicable) from the earliest priority date if the EPO acts as ELECTED OFFICE pursuant to Article 39(1)(a) PCT:

- a) Filing of a translation as under 5.1 a).
- b) Payment of the fees as under 5.1 b).
- c) Filing of the written request for examination and payment of the examination fee (Rule 104b(1)(d) EPC).  
Note that both acts must be performed in due time, otherwise the European patent application shall be deemed to be withdrawn (Art. 94(3) EPC).
- d) Payment of the renewal fee for the third year, if due before the expiration of the 31-month term (Rule 104b(1)(e) EPC).

6. The amounts of the fees (and equivalents in all currencies of the contracting states of the EPC) are regularly published in the Official Journal of the EPO.

If the national basic fee, the designation fees or the search fee have not been paid in time, they may still be validly paid within a grace period of one month as from notification of an EPO communication (Rule 85a(1) EPC).

If the renewal fee is not paid in time, it may still be validly paid within six months from the due date (Art. 86(2) EPC).

In both cases, a surcharge is due.

7. The international search report under Article 18 PCT (or the declaration under Article 17(2)(a) PCT) has been published by the International Bureau. The date of publication can be ascertained from the copy of the published application documents sent by the International Bureau or from the international search report, if published separately. This publication takes the place of the mention of the publication of the European search report (Art. 157(1) EPC).

A request for examination, comprising a written request and payment of the examination fee, must be filed up to the end of six months after the above date.

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However, in view of Article 22 or 39 PCT in conjunction with Rule 104b(1)(d) EPC, the period for filing the request for examination does not expire before 21 or 31 months, respectively, from the date of filing (where applicable, the earliest priority date).

A period of grace of one month from notification of an EPO communication is available in case either or both of the above acts have not been performed in time. Accordingly, a surcharge is due (Rule 85b EPC).

8. This information letter is addressed by the EPO to the agent, if any, having acted for the applicant during the international phase of the application.

Any further notifications on procedural matters will be addressed to the applicant, respectively his European representative, if the appointment of the latter has been communicated to the EPO in due time.

9. For further details see the information for PCT applicants concerning time limits and procedural steps before the EPO as a designated and as an elected Office under the PCT (published as Supplement No. 1 to OJ EPO 12/1992, with changes published in OJ EPO 1994, 131).

Concerning the list of professional representatives before the European Patent Office (see points 2 and 3), EPO Form 1200 (see point 4) and the actual fees to be paid (see point 6) we refer to the EPO's Internet address:

<http://www.european-patent-office.org>.

RECEIVING SECTION



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